

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>TECOURTNEY JONES, #59250-177,</b>	§	
<b>PLAINTIFF,</b>	§	
	§	
<b>v.</b>	§	<b>CIVIL CASE No. 3:20-CV-3076-N-BK</b>
	§	
<b>UNITED STATES OF AMERICA, ET AL.</b>	§	
<b>DEFENDANTS.</b>	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and *Special Order 3*, this civil action was referred to the United States magistrate judge for case management, including the issuance of findings and a recommended disposition. For the reasons that follow, this action should be **DISMISSED WITHOUT PREJUDICE**.

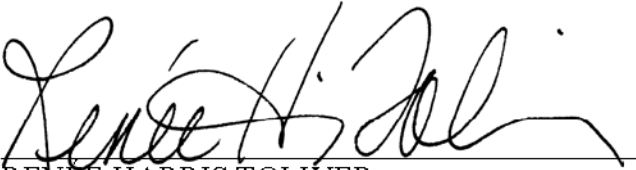
On November 5, 2020, Plaintiff filed a *pro se*, amended complaint and paid the \$400.00 filing fee. [Doc. 7](#). The Court twice placed him on notice of his responsibility to seek the issuance of summons and effect service of process under [Rule 4\(m\) of the Federal Rules of Civil Procedure](#)—warning him that failure to do so could result in dismissal of this case. [Doc. 13](#); [Doc. 14](#).

On October 28, 2021, the Court, in the interest of justice, extended the deadline for effecting service of process under [Rule 4\(m\)](#). [Doc. 17 at 2](#). Plaintiff was also admonished that he must file returns of service demonstrating that he properly effected service of summons and the complaint on each Defendant. As before, Plaintiff also was cautioned that failure to effectuate service or show good cause for the failure to do so by December 10, 2021, could result in the dismissal of this case. [Doc. 17 at 2](#).

As of this date of this recommendation, however, Plaintiff has not filed proof of proper service of process or demonstrated good cause for his failure to do so. Further, Plaintiff has failed to keep the Court apprised of his change of address. *See* [Doc. 20](#) and [Doc. 21](#) (returning mail to the Court as undeliverable as Plaintiff is no longer incarcerated at Fort Worth FMC); *see also* [Doc. 2 at 1](#) (advising pro se plaintiffs to notify the Court of all address changes).

Accordingly, this action should be **DISMISSED WITHOUT PREJUDICE** for failure to properly serve Defendants and comply with court orders.

**SO RECOMMENDED** on December 14, 2021.



RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

#### **INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* [28 U.S.C. § 636\(b\)\(1\)](#); [FED. R. Civ. P. 72\(b\)](#). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See* [Douglass v. United Services Automobile Ass'n](#), 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, [28 U.S.C. § 636\(b\)\(1\)](#) (extending the time to file objections to 14 days).